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5 Counsel for Defendant PORTER

FILED

APR 25 2007

RICHARD M. NEARY  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR-07-70081 PVT  
 12 Plaintiff, ) STIPULATION, WAIVER AND  
 13 vs. ) [PROPOSED] ORDER CONTINUING  
 14 JOKAELLE PORTER, ) PRELIMINARY HEARING AND  
 15 Defendant. ) EXCLUDING TIME FOR INDICTMENT

16 STIPULATION AND WAIVER

17 The parties hereby stipulate and agree that the date currently set for preliminary hearing  
 18 and/or arraignment may be continued for three weeks from April 26, 2007 to May 17, 2007 at  
 19 9:30 a.m. Mr. Porter, by his signature below, further consents to extend by three weeks the time  
 20 for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure. The purpose  
 21 of the requested continuance is to permit the defense to continue its investigation into the  
 22 circumstances of the alleged offense and to facilitate the parties' efforts to reach a pre-indictment  
 23 resolution. The parties further agree that the intervening three weeks may be excluded from the  
 24 time within which an indictment shall be filed, as the reasonable time necessary for effective  
 25 defense preparation under 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

26

1 Dated: April 23, 2007

2 s/  
3 CYNTHIA C. LIE  
4 Assistant Federal Public Defender

5 Dated: April 23, 2007

6 s/  
7 JOKAELLE PORTER  
8 Defendant

9 Dated: April 24, 2007

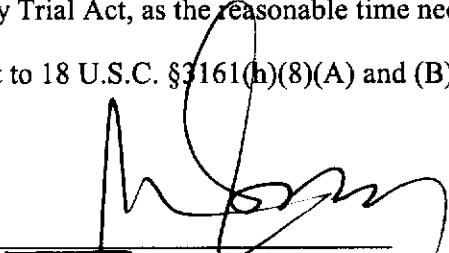
10 s/  
11 THOMAS M. O'CONNELL  
12 Assistant United States Attorney

13 [PROPOSED] ORDER

14 Good cause appearing and by stipulation of the parties, it is hereby ordered that the date  
15 set for preliminary hearing and/or arraignment in the above-captioned matter shall be continued  
16 from Thursday, April 26, 2007 to Thursday, May 17, 2007 at 9:30 a.m.

17 It is further ordered that 21 days shall be excluded from the time within which an  
18 indictment shall be filed under the Speedy Trial Act, as the reasonable time necessary for  
19 effective preparation of counsel, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

20 Dated: April 15, 2007

21   
22 RICHARD SEEBORG HOWARD R. LLOYD  
23 United States Magistrate Judge